

(B3)
4/2

**MASSACHUSETTS DEPARTMENT OF CORRECTION
MCI-CEDAR JUNCTION AT WALPOLE
DISCIPLINARY REPORT**

INMATE: Joseph Schmitt ID#: W-57126 HOUSING UNIT: DDU #113DATE: March 15, 2002 D-REPORT NO.: 02-0563OFFENSES(S) & CODE NO.: #2; #8; #33MINOR MAJOR REFERRED TO DISTRICT ATTORNEY _____

MAJOR REFER TO SPECIAL DDU HEARING OFFICER _____

DESCRIPTION OF OFFENSE(S):

On March 15, 2002 I, Officer Jeffrey Smith determined that inmate Joseph Schmitt violated institutional rules and disrupted the orderly running of the institution.

It has been determined that inmate Schmitt has authored a letter to Joseph Chavez, an inmate incarcerated in New Mexico. This letter contained an explicit sexual story pertaining to sexual acts with a child and is consistent with previously authored stories by inmate Schmitt. His actions of authoring this story violates institution rules and disrupts the orderly running, as he has been previously disciplined on material of this nature and is aware of the consequences. The letter has been confiscated as evidence and all proper authorities were notified.

HAS INMATE BEEN PLACED ON AWAITING ACTION STATUS? YES NO ✓REPORTING STAFF PERSON'S SIGNATURE Jeffrey Smith

Jeffrey Smith, C.O. IPS

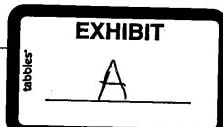
DAYS OFF S / MSHIFT 7 / 3

(PLEASE PRINT NAME)

SHIFT COMMANDER'S SIGNATURE Capt. [Signature]Date: 3/19/02DISCIPLINARY OFFICER'S SIGNATURE Sgt. [Signature]Date: 3/20/02

APPEAL RESULTS _____

REVIEWING AUTHORITY _____

DATE: 4/3/02

OFFENSES:

2. VIOLATING ANY DEPARTMENTAL RULE OR ANY OTHER RULE, REGULATION, OR CONDITION OF AN INSTITUTION OR COMMUNITY BASED PROGRAM.
8. CONDUCT WHICH DISRUPTS OR INTERFERES WITH THE SECURITY OR ORDERLY RUNNING OF THE INSTITUTION.
33. ATTEMPTING TO COMMIT ANY OF THE ABOVE OFFENSES, MAKING PLANS TO COMMIT ANY OF THE ABOVE OFFENSES OR AIDING ANOTHER PERSON TO COMMIT ANY OF THE ABOVE OFFENSES SHALL BE CONSIDERED THE SAME AS THE COMMISSION OF THE OFFENSE ITSELF.

REPORTING OFFICER'S
SIGNATURE: 

TITLE: CO 1

**Commonwealth of Massachusetts
SUFFOLK SUPERIOR COURT
Case Summary
Civil Docket**

Schmitt, M81137 v Smith, MCI-CJ IPS Officer et al

Details for Docket: SUCV2002-02562

Case Information

Docket Number:	SUCV2002-02562	Caption:	Schmitt, M81137 v Smith, MCI-CJ IPS Officer et al
Filing Date:	06/11/2002	Case Status:	Dismissed
Status Date:	06/25/2004	Session:	Civil D, 3 Pemberton Sq, Boston
Lead Case:	NA	Case Type:	Prisoner Cases

Tracking Deadlines

TRK:	F	Discovery:	04/07/2003
Service Date:	09/09/2002	Disposition:	08/05/2003
Rule 15:	11/08/2002	Rule 12/19/20:	11/08/2002
Final PTC:	06/06/2003	Rule 56:	05/07/2003
Answer Date:	11/08/2002	Jury Trial:	NO

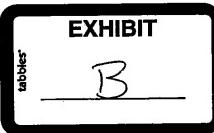
Parties Involved

8 Parties Involved in Docket: SUCV2002-02562

Party Involved:		Role:	Defendant
Last Name:	Allen, MCI-CJ Supt	First Name:	Peter
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Party Involved:		Role:	Defendant
Last Name:	Faria, MCI-CJ disciplinary hearing officer	First Name:	William
Address:		Address:	
City:		State:	

http://www.ma-trialcourts.org/tcic/fc/?app_ctx=print_docket



AOTC Information Center

Page 2 of 7

Zip Code:	Zip Ext:
Telephone:	
Party Involved:	Role:
Last Name:	Defendant
Address:	
City:	
Zip Code:	
Telephone:	
Party Involved:	Role:
Last Name:	Defendant
Address:	
City:	
Zip Code:	
Telephone:	
Party Involved:	Role:
Last Name:	Defendant
Address:	
City:	
Zip Code:	
Telephone:	
Party Involved:	Role:
Last Name:	Defendant
Address:	
City:	
Zip Code:	
Telephone:	
Party Involved:	Role:
Last Name:	Defendant
Address:	
City:	
Zip Code:	
Telephone:	

AOTC Information Center

Page 3 of 7

Zip Code:	Zip Ext:
Telephone:	
Party Involved:	Role:
Last Name: Schmitt, M81137	First Name: Plaintiff
Address: Mass. Treatment Center	Address: Joseph P
City: Bridgewater	State: 30 Administration Road
Zip Code: 02324	Zip Ext: MA
Telephone:	

Attorneys Involved

7 Attorneys Involved for Docket: SUCV2002-02562

Attorney Involved:	Firm Name:	MA14
Last Name: Daniele	First Name:	Julie E
Address: 70 Franklin Street	Address:	Suite 600 Legal Division
City: Boston	State:	MA
Zip Code: 02110	Zip Ext:	1300
Telephone: 617-727-3300	Tel Ext:	115
Fascimile: 617-727-7403	Representing:	Smith, MCI-CJ IPS Officer, Jeff (Defendant)
Attorney Involved:	Firm Name:	MA14
Last Name: Daniele	First Name:	Julie E
Address: 70 Franklin Street	Address:	Suite 600 Legal Division
City: Boston	State:	MA
Zip Code: 02110	Zip Ext:	1300
Telephone: 617-727-3300	Tel Ext:	115
Fascimile: 617-727-7403	Representing:	Therien, MCI-CJ disciplinary Sergeant, Ernest (Defendant)
Attorney Involved:	Firm Name:	MA14
Last Name: Daniele	First Name:	Julie E
Address: 70 Franklin Street	Address:	Suite 600 Legal Division
City: Boston	State:	MA

AOTC Information Center

Page 4 of 7

Zip Code:	02110	Zip Ext:	1300
Telephone:	617-727-3300	Tel Ext:	115
Fascimile:	617-727-7403	Representing:	Allen, MCI-CJ Supt, Peter (Defendant)
 Attorney Involved:		 Firm Name: MA14	
Last Name:	Daniele	First Name:	Julie E
Address:	70 Franklin Street	Address:	Suite 600 Legal Division
City:	Boston	State:	MA
Zip Code:	02110	Zip Ext:	1300
Telephone:	617-727-3300	Tel Ext:	115
Fascimile:	617-727-7403	Representing:	Grossi, MCI-CJ IPS Commander, William (Defendant)
 Attorney Involved:		 Firm Name: MA14	
Last Name:	Daniele	First Name:	Julie E
Address:	70 Franklin Street	Address:	Suite 600 Legal Division
City:	Boston	State:	MA
Zip Code:	02110	Zip Ext:	1300
Telephone:	617-727-3300	Tel Ext:	115
Fascimile:	617-727-7403	Representing:	Maloney, Comr of Correction, Michael T (Defendant)
 Attorney Involved:		 Firm Name: MA14	
Last Name:	Daniele	First Name:	Julie E
Address:	70 Franklin Street	Address:	Suite 600 Legal Division
City:	Boston	State:	MA
Zip Code:	02110	Zip Ext:	1300
Telephone:	617-727-3300	Tel Ext:	115
Fascimile:	617-727-7403	Representing:	Massachusetts Dept of Correction, (Defendant)
 Attorney Involved:		 Firm Name: MA14	
Last Name:	Daniele	First Name:	Julie E
Address:	70 Franklin Street	Address:	Suite 600 Legal Division
City:	Boston	State:	MA
Zip Code:	02110	Zip Ext:	1300

AOTC Information Center

Page 5 of 7

Telephone:	617-727-3300	Tel Ext:	115
Fascimile:	617-727-7403	Representing:	Faria, MCI-CJ disciplinary hear officer, William (Defendant)

Calendar Events

No Calendar Events found for Docket: SUCV2002-02562.

There are currently no calendar events associated with this case.

Full Docket Entries

79 Docket Entries for Docket: SUCV2002-02562

Entry Date:	Paper No:	Docket Entry:
06/11/2002	1	Affidavit of indigency and Request for Waiver, substitution or state payment of fees & costs Filing fee service fee waived (IMPOUNDED)
06/11/2002	1	Origin 1, Type E96, Track F.
06/11/2002	2	Complaint
06/11/2002	3	Civil action cover sheet filed
06/11/2002	4	Motion of plff to serve defendants via first class pre paid mail
06/21/2002	5	ORDER PURSUANT TO M.G.L. C261 S 29 -- The Department of Corrections is ORDERED to produce to the Suffolk Superior Court a statement of
06/21/2002	5	the inmate account for JOSEPH P. SCHMITT who is housed in the M.C.I.
06/21/2002	5	CEDAR JUNCTION , WALPOLE, MA. 02071. The statement to be produced shall be for the 6 month period prior to the date of this order. The
06/21/2002	5	statement is to be mailed to: Suffolk Superior Court, Prisoner
06/21/2002	5	Department, 90 Devonshire Street, Boston, Ma. 02109. Service is to be
06/21/2002	5	made upon defendant(s) by means of certified mail by plaintiff. A
06/21/2002	5	copy of the complaint is to be sent to the Office of the Attorney
06/21/2002	5	General or the Department of Corrections by the Plaintiff. (White,
06/21/2002	5	Justice) (Dated 06/20/02) Notice Sent 06/24/2002.
07/02/2002	6	SERVICE RETURNED: Jeffrey Smith, MCI-CJ IPS Officer(Defendant)
07/02/2002	6	(certified mail)
07/02/2002	7	SERVICE RETURNED: William Grossi, MCI-CJ IPS Commander(Defendant)
07/02/2002	7	certified mail
07/02/2002	8	SERVICE RETURNED: Ernest Therien, MCI-CJ disciplinary
07/02/2002	8	Sergeant(Defendant) Certified mail
07/02/2002	9	SERVICE RETURNED: Peter Allen, MCI-CJ Supt(Defendant) Certified Mail
07/02/2002	10	SERVICE RETURNED: Michael T Maloney, Comr of Correction(Defendant)

AOTC Information Center

Page 6 of 7

07/02/2002	10	certified mail
07/02/2002	11	SERVICE RETURNED: Massachusetts Dept of Correction(Defendant)
07/02/2002	11	Certified mail
07/02/2002	12	SERVICE RETURNED: William Faria, MCI-CJ disciplinary hearing officer(Defendant) certified mail
07/09/2002	13	Motion of plff to amend complaint (w/o opposition)
07/17/2002	14	Defendant's Emergency Further Motion to Enlarge Time in These and Related Cases & Allowed (White,J) (Dated 7/15/02) notice sent 7/16/02
08/27/2002	15	ORDER AND JUDGMENT The plaintiff has filed a motion to dismiss (withdraw) the above captioned actions without prejudice to his seeking relief in federal court. No opposition to his motion (P#13 in case 02-1461) has been filed. The motion is allowed and the court orders that: Judgment shall enter dismissing the above seven actions without prejudice (King, J.) entered on docket pursuant to Mass R Civ P 58(a) and notice sent to parties pursuant to Mass R Civ P 77(d) (See Original Order and Judgment (P#38) in case 02-335)
08/27/2002	15	Motion of plff for Court to vacate its Order and Judgment (w/o opposition)
10/04/2002	16	Motion of plff for copy of case file (w/o opposition)
10/04/2002	16	Motion (P#[16] Denied (King,J) Notice Sent 2/24/03 (entered 2/7/03)
02/26/2003		Motion (P#17) DENIED (Patrick King, Justice) (entered 2/7/03)
02/26/2003		Motion of plaintiff for copy of case file Denied (White, J.). Notice sent 12/4/03
12/03/2003	18	ORDER ON PLAINTIFF'S MOTIONS FOR CERTIFIED COPIES OF CASE FILES AND UPDATED DOCKET SHEETS Plaintiff has filed a motion for certified copy of case file and updated docket sheet in each of the above enumerated cases. This motion in each case is Denied As to at least eight of the cases. the same request has already bee Denied by King, J. on Feb. 7 2003 In addition Plaintiff seeks in excess of 2,500 pages of certified copies the cost of which totals \$6,425.00 He is not entitled to this extraordinary expense particularly at this time of inadequate court resources (White, J.). Notice sent 12/4/03 (See P#48 in case #99-0546)
12/03/2003		MOTION (P#18) DENIED. See order this date. (White, Justice) Notices mailed December 4, 2003.
12/23/2003	19	Motion of plff for reconsideration regarding Justice White's denial of motion for copy of case file (w/o opposition)
12/23/2003	19	Motion of plff for hearing date on his motion for reconsideration
12/24/2003	19	regarding White, Justice denial of motion for copy of case file and motion for court to habe plaintiff to court hearing (w/o opposition)
12/24/2003	19	

AOTC Information Center

Page 7 of 7

03/04/2004	20	Plaintiff Joseph P Schmitt, M81137's notice of appeal
03/11/2004		MOTION (P#19) DENIED. (White, Justice) (dated 03/03/2004) Notice
03/11/2004		Sent 03/11/2004.
03/11/2004		MOTION (P#19.1) DENIED. No hearing necessary. (White, Justice)
03/11/2004		(dated 03/03/2004) Notices mailed 03/11/2004.
04/27/2004	21	Plaintiff Joseph P Schmitt, M81137's notice of appeal
05/03/2004		Notice to Justice Catherine White of the filing of Notice of Appeal
05/03/2004		Notice of service of the filing of Notice of Appeal to: Julie E.
05/03/2004		Daniele, Esquire, Mass Corrections Department
06/18/2004		Notice of assembly of record on Appeal
06/25/2004		COPY of notice of docket entry received from Appeals Court: ORDER
06/25/2004		for the foregoing reasons, the consolidated appeals are dismissed."
06/25/2004		(Mills, J.) (See P#46 in case 2002-335)

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF	FILED							
DEFENDANT	CLERKS OFFICE COURT CASE NUMBER							
SERVE	TYPE OF PROCESS							
►	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN							
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)	U.S. DISTRICT COURT DISTRICT OF MASS.							
AT	50 Maple Street Ste 3 Marlboro MA 01752-3698							
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:								
<p>Joseph P. Solomel, Jr. - 50032 20 Main Street, Room 1 Marlboro, MA 01752-3698</p>								
<table border="1"> <tr> <td>Number of process to be served with this Form - 25</td> <td>SEARCHED</td> </tr> <tr> <td>Number of parties to be served in this case</td> <td>SERIALIZED</td> </tr> <tr> <td colspan="2">Check for service on U.S.A.</td> </tr> </table>			Number of process to be served with this Form - 25	SEARCHED	Number of parties to be served in this case	SERIALIZED	Check for service on U.S.A.	
Number of process to be served with this Form - 25	SEARCHED							
Number of parties to be served in this case	SERIALIZED							
Check for service on U.S.A.								

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Solemnly swear and declare
5pm - 4pm

Signature of Attorney or other Originator requesting service on behalf of:

<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE
<input type="checkbox"/> DEFENDANT		10-6-04

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process No. 38	District of Origin No. 38	District to Serve No. 38	Signature of Authorized USMS Deputy or Clerk Honey Jalane	Date 10/14/04
---	-------------------------	------------------------------	-----------------------------	--	------------------

I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service Time am
10/15/04 1:15 pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
-------------	---	----------------	---------------	------------------	--------------------------------	------------------

REMARKS:

① 10/17/04 - 1:15 pm - Indiv. no longer works at above address. Unknown where subject currently works. H

IONS

1. CLERK OF THE COURT

FORM USM-2

EXHIBIT

